

## 2005 DRAFTING REQUEST

### Bill

Received: 01/25/2006

Wanted: As time permits

For: Legislative Fiscal Bureau 266-8799

This file may be shown to any legislator: NO

May Contact:

Subject: Health - medical assistance

Received By: dkennedy

Identical to LRB:

By/Representing: Charlie Morgan

Drafter: dkennedy

Addl. Drafters: rchampag

Extra Copies:

Submit via email: YES

Requester's email: charlie.morgan@legis.state.wi.us

Carbon copy (CC:) to: robin.ryan@legis.state.wi.us

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### Pre Topic:

No specific pre topic given

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### Topic:

Decreasing MA reimbursement, transferring moneys to the MA trust fund from the general fund

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### Instructions:

See Attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 01/25/2006	kfollett 01/25/2006		_____			S&L
/1			chaugen 01/26/2006	_____	lemery 01/26/2006		S&L
/2	dkennedy 01/26/2006	kfollett 01/26/2006	pgreensl 01/26/2006	_____	mbarman 01/26/2006	lemery 01/26/2006	

*Assembly*

FE Sent For:

<END>

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*Assembly per sel  
DAK note*

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/?	dkennedy	1/16 f	ch	ch 126			S&L
		1/25	126	sf			

FE Sent For:

<END>

## TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE:

1/25/06

CONVERSATION  
WITH:

Charlie Mogen

OF:

LF B

TELEPHONE NO:

6-8799

REGARDING LRB #  
OR DRAFT TOPIC:

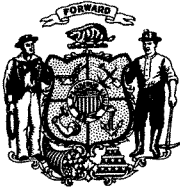
Draft Bill for 1/26

INSTRUCTIONS:

① Transfer from gen fund to MA  
trust fund \$51,364,200 05-06  
\$25,383,900 06-07

② Reduce MA approp (20.435(4)(b))  
\$63,516,600 05-06  
103,900 06-07

~~③ Exemption from 20.003(4)~~



THURS 9:00  
State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-44777  
DAK\$RAC: 15f  
E

D-NOTE

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen

- 1 AN ACT ...; **relating to:** decreasing Medical Assistance reimbursement and  
2 transferring moneys from the general fund to the Medical Assistance trust  
3 fund.

---

***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Health and Family Services administers the Medical Assistance (MA) Program, under which persons with low income and few assets receive health care that is funded jointly by Wisconsin and the federal government.

This bill decreases the appropriation of general purpose revenues for MA by \$63,516,600 for fiscal year 2005-06 and by \$103,900 for fiscal year 2006-07. Further, the bill transfers from the general fund to the Medical Assistance trust fund \$51,374,200 in fiscal year 2005-06 and \$25,383,900 in fiscal year 2006-07.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 4 SECTION 1. **Appropriation changes.**  
5 (1) MEDICAL ASSISTANCE REIMBURSEMENT DECREASE. In the schedule under  
6 section 20.005 (3) of the statutes for the appropriation to the department of health



## SECTION 1

1 and family services under section 20.435 (4) (b) of the statutes, as affected by the acts  
2 of 2005, the dollar amount is decreased by \$63,516,600 for fiscal year 2005-06 and  
3 the dollar amount is decreased by \$103,900 for fiscal year 2006-07 to decrease  
4 funding for the purposes for which the appropriation is made

5 (2) TRANSFER FROM GENERAL FUND TO MEDICAL ASSISTANCE TRUST FUND. There is  
6 transferred from the general fund to the Medical Assistance trust fund \$51,364,200  
7 in fiscal year 2005-06 and \$25,383,900 in fiscal year 2006-07.

8 (END)

D-NOTE

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2112/2dm

DAK:cjs&jld:pg

RAC:lgf

February 15, 2005

date

To Bob Lang

Charlie Morgan

does not

stating

This bill includes a nonstatutory provision, which states that s. 20.003 (4m), stats., does not apply to the action of the legislature in enacting the bill. Please note that ~~s. 20.003 (4m)~~ is not legally enforceable, but rather constitutes a rule of procedure under article IV, section 8, of the Wisconsin Constitution. The Wisconsin Supreme Court has held that the remedy for failing to comply with rules of procedure lies exclusively within the legislative branch. See *State ex rel. LaFollette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while rules of procedure may govern internal legislative procedure, courts will not enforce such rules. Therefore, at most, the nonstatutory provision is included only for the purpose of internal legislative operations, not for the purpose of ensuring the legality of the bill. You should also be aware that the legislature may choose to ~~govern~~ these nonstatutory provisions and find that s. 20.003 (4m), stats., does in fact govern its actions in enacting the bill.

would

would be

ignore

such a

Such a provision would not be

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: debora.kennedy@legis.state.wi.us

RAC

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4477/1dn

RAC:kjf:ch

January 26, 2006

To Charlie Morgan:

This bill does not include a nonstatutory provision stating that s. 20.003 (4m), stats., does not apply to the action of the legislature in enacting the bill. Please note that such a provision would not be legally enforceable, but rather would constitute a rule of procedure under article IV, section 8, of the Wisconsin Constitution. The Wisconsin Supreme Court has held that the remedy for failing to comply with rules of procedure lies exclusively within the legislative branch. See *State ex rel. LaFollette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while rules of procedure may govern internal legislative procedure, courts will not enforce such rules. Therefore, at most, the nonstatutory provision would be included only for the purpose of internal legislative operations, not for the purpose of ensuring the legality of the bill. You should also be aware that the legislature may choose to ignore such a nonstatutory provision and find that s. 20.003 (4m), stats., does in fact govern its actions in enacting the bill.

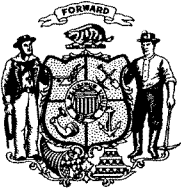
Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us

## Kennedy, Debora

---

**From:** Champagne, Rick  
**Sent:** Thursday, January 26, 2006 8:17 AM  
**To:** Kennedy, Debora

Gor a call from Bob Lang and he asked that we go ahead and put the "notwithstanding" provision on Charlie's draft. Bob says he understands our point, but because a number of bills have had them in the past he says he needs it since this will be a cochair bill. We tried...



Now  
State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-4477/2  
DAK&RAC:kjf:er

D-NOTE

## 2005 BILL

Regen

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2 transferring moneys from the general fund to the Medical Assistance trust  
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8

(END)

INSERT 2-8

D-NOTE

INSERT 2-8

(CS)

(3) EXEMPTION FROM CERTAIN LEGISLATIVE  
RULES OF PROCEEDINGS. Section 20.003(4) of  
the statutes does not apply to the actions of the  
legislature in enacting this act.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-44777/dn

RAC:kif:ch

19f

January 26, 2006

Date

To Charlie Morgan:

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LRB-4477/2dn

RAC:kjf.pg

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Please now  
Jacket

05-4477/2

for

Assembly